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10/815,457	04/01/2004	Martin Erdtmann	13913-194001/2004P00047	6402
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FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER LE, THU NGUYET T	
			ART UNIT	PAPER NUMBER
			2169	
DATE MAILED: 09/21/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/815,457

Applicant(s)

ERDTMANN ET AL.

Examiner

Thu-Nguyet Le

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) -20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to communications through the applicant's application filed on 04/01/2004.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "a finite number of tree fragments 1102 is given", paragraph [0114], line 8. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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4. Claims 10-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 10-14 are not limited to tangible embodiments. In view of applicant's disclosure, specification paragraph [0172], lines 5-6. The "an information carrier" is not limited to tangible embodiments, instead being defined in intangible embodiments (e.g., "a propagated signal"). As such, the claims are not limited to statutory subject matter.

Claims 15-19 recite a system for maintaining a database. It appears that the claims are absent an explicit and deliberate definition in the specification that the system for maintaining a database includes the underlying hardware. Claims 15-19 are software per se. The software of claims 15-19 appears to be non-functional descriptive material.

Therefore, claims 10-19 are considered non-statutory.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 8-11, 13-17, and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Fritz et al. (US 6134552)

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With respect to claim 1, Fritz discloses a method for maintaining a collection of documents comprising:

in a database, maintaining a collection of documents containing content (column 2, lines 15-16, 17-20), each of the documents including a hyperlink to another document (column 2, lines 66-67) and represented by a unique logical information object (LOIO) (column 2, lines 31-32), each unique LOIO pointing to one or more physical information objects (PHIOs) (figure 2, blocks 202, 204, column 2, lines 24-25), each of the PHIOs containing a variant of the content of a document (figure 2, block 208, column 2, lines 34-35), the variant being one of more attributes (figure 3, block 304, column e, lines 53-54, 56-57);

and determining a suitable PHIO when a LOIO is response to a request (column 2, lines 52-53).

Claim 2 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Fritz teaches the method wherein the request is through a hyperlink (figure 12, block 1204, column 10, lines 32-33).

Claim 3 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Fritz teaches the method wherein the attributes include a name of a component ("ID number"), a version of the component, a language of the document and/or a country version of the document (figure 3, block 304, column 6, line 35).

Claim 8 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Fritz teaches the method wherein each PHIO is characterized by one context from a set of all possible PHIOs (column 4, lines 57-58).

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Claims 9 and 20 are rejected for the reasons set forth hereinabove for claim 8 and furthermore Fritz teaches the method wherein the set is characterized by maps that change a single attribute value (column 15, lines 4, 8-9) and maps that change a pair of attribute values (figure 9, block 916, "Phys. Obj., PDF, German", or figure 19, block 1902 to block 1904, "Language Version" and "Content Version"), the maps providing a dimension in which neighboring relations with respect to an attribute or a combination of attributes are defined (figure 11, "Version Relation" and block 1112, 1114, 1116) .

Claims 10, and 15 are rejected for the reason discussed related to claim 1. Since claim 1 is substantially equivalent to claims 10, 15.

Claims 11, and 16 are rejected for the reason discussed related to claim 2. Since claim 2 is substantially equivalent to claims 11, 16.

Claims 13, and 19 are rejected for the reason discussed related to claim 8. Since claim 8 is substantially equivalent to claims 13, 19.

Claim 14 is rejected for the reason discussed related to claim 9. Since claim 9 is substantially equivalent to claims 14.

Claim 17 is rejected for the reason discussed related to claim 3. Since claim 3 is substantially equivalent to claims 17.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4-7, 12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fritz et al. (US 6134552) in view of Goodisman et al (US 2002/0083093).

Claim 4 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Fritz discloses the method wherein determining comprises:

receiving an entry context representing a desired set of values for one or more attributes (column 10, lines 32-34);

returning a PHIO represented by the match (column 2, line 53).

However, Fritz does not disclose:

generating a sequence of contexts from the entry context;

determining a match of the entry context to one of the contexts in the sequence;

In the same field of endeavor, Goodisman teaches a method for linking between objects wherein a pattern matcher obtains context information, performs sequence analysis to a context, and determines a context ("a name") that is relevant to the given context ("a particular user") (paragraph [0055], lines 30-41).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the method for the efficient management and storage of documents as disclosed by Fritz into method for creating dynamic associations or linking between objects as disclosed in Goodisman in order to enhance network connectivity between data and related information and services (paragraph

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[0003], lines 3-5). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

Claim 5 is rejected for the reasons set forth hereinabove for claim 4 and furthermore Fritz teaches the method wherein the PHIO represents an exact match (column 10, line 40, "most appropriate").

Claim 6 is rejected for the reasons set forth hereinabove for claim 4 and furthermore Fritz teaches the method wherein the PHIO represents a near match (column 10, line 40, "most appropriate").

Claim 7 is rejected for the reasons set forth hereinabove for claim 4 and furthermore Fritz teaches the method wherein the PHIO represents a best match (column 7, line 64).

Claims 12, and 18 are rejected for the reason discussed related to claim 4. Since claim 4 is substantially equivalent to claims 12, 18.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Birum et al. (US 6996817) discloses a method and system for versioning of applications.



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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu-Nguyet Le whose telephone number is 571-270-1093. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shuwang Liu can be reached on 571-272-3036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thu-Nguyet Le  
Sept 15, 2006



SHUWANG LIU  
SUPERVISORY PATENT EXAMINER